

## **REMARKS**

In view of the following remarks, reconsideration and further examination are respectfully requested.

### **I. Interview**

Applicants would like to thank Examiner Bayou for conducting a telephone interview on March 19, 2009.

During the interview the Examiner agreed that the references of record must be reviewed in more detail with respect to the previously added limitations of claim 18. In other words, it was agreed upon that the portions of Yokoyama relied upon in the outstanding rejections do not disclose or suggest the features of the claimed invention. For the Examiner's convenience, these differences are briefly discussed below.

### **II. 35 U.S.C. § 103(a) Rejection**

Claims 18-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokoyama et al. (U.S. 2001/0029526) in view of Okada et al. (U.S. 6,049,670). These rejections are believed clearly inapplicable to independent claims 18, 32 and 33 and claims 19-26 that depend therefrom for the following reasons.

As discussed during the above-mentioned interview, independent claim 18 recites a server apparatus that includes (1) a receiving unit that receives, from a processing terminal, a program obtainment request (that identifies a program) and a terminal ID attached to the program obtainment request, (2) a table holding unit that stores a table identifying a terminal ID

and a previously distributed program, and (3) a decision unit that determines whether the received terminal ID is stored in the table, such that if the terminal ID is not stored in the table, then only the program body of the identified program is distributed, and such that if the terminal ID is stored in the table, then both the program body and the program specific information are distributed (the program specific information revokes the processing terminal from an unauthorized use of the identified program).

The above-mentioned rejection asserts that above-mentioned distinguishing features recited in independent claim 18 are disclosed in paragraphs [0045], [0055], [0069] and [0124], and in Figs. 2, 13, 17 and 24 of Yokoyama. However, as acknowledged during the above-mentioned interview, the Yokoyama and Okada references, or any combination thereof, fail to disclose or suggest the above-mentioned distinguishing features, as recited in independent claim 18.

Yokoyama describes that service program-specific information 601 includes a service name 601a, attributes 601b, an average execution time 601c, an average memory usage 601d, a service price 601e, a distribution plan 601f, a traveling limit time 601g, and a program body data 601h (see paragraph [0055] and Fig. 6, as cited in the rejection). Further, Yokoyama teaches that a connection group table 2400 is formed from a list of home terminals and associated base stations (see paragraph [0124] and Fig. 24)).

Specifically, it appears that the above-mentioned rejection relies on the program body data 601h of the service program-specific information 601 of Yokoyama for teaching the features of the program specific information, as recited in claim 18 and relies on the connection group table 2400 for teaching the features of the first table, as recited in claim 18.

However, in view of the above, although Yokoyama teaches that service program-specific information includes program body data, Yokoyama still fails to disclose or suggest receiving a program obtainment request attached to a terminal ID, and fails to disclose or suggest the table holding unit that stores a table identifying a terminal ID and a previously distributed program, and the decision unit that determines whether the received terminal ID is stored in the table, such that if the terminal ID is not stored in the table, then only the program body of the identified program is distributed, and such that if the terminal ID is stored in the table, then both the program body and the program specific information are distributed (the program specific information revokes the processing terminal from an unauthorized use of the identified program), as required by claim 18.

Additionally, although Yokoyama does in fact teach a group table identifying home terminals and associated base stations, Yokoyama still fails to disclose or suggest the decision unit that determines whether the received terminal ID is stored in the table, such that if the terminal ID is not stored in the table, then only the program body of the identified program is distributed, and such that if the terminal ID is stored in the table, then both the program body and the program specific information are distributed (the program specific information revokes the processing terminal from an unauthorized use of the identified program), as required by claim 18.

In view of the above, using the terminology disclosed by Yokoyama in conjunction with the limitations recited in claim 18, it is clear that Yokoyama fails to disclose or suggest transmitting only the program body data 601h out of the service program-specific information 601 to the home terminal 110 in a case where the terminal ID is recorded in the first table, and

transmitting the service name 601a, the attributes 601b and the program body data 601h included in the service program-specific information 601 to the home terminal 110 in a case where the terminal ID is not recorded in the first table, as required by claim 18 (by incorporating the terminology of Yokoyama into the limitations recited in claim 18).

Finally, Applicants note that, as discussed during the interview, Yokoyama does not provide any disclosure or suggestion of the following limitations recited in claim 18: (1) the claimed “identified program” (note: the identified program includes a program body that runs on the information processing terminal and includes program specific information that is information for revoking the information processing terminal from attempting an unauthorized use of the identified program); (2) the claimed “program body” (note: only the program body of the identified program is distributed to the information processing terminal by prohibiting distribution of the program specific information of the identified program in a case where the decision unit decides that the terminal ID is recorded in the first table); (3) the claimed “program specific information” (note: the program specific information is for revoking the information processing terminal from attempting an unauthorized use of the identified program); and (4) the claimed “decision unit” (note: when the decision unit decides that the terminal ID is not recorded in the first table, the decision unit (a) adds, to the first table, the terminal ID and the program specific information, such that the added terminal ID and the program specific information have a corresponding relationship identified in the first table and (b) distributes the program body and the program specific information, as the identified program, to the information processing terminal).

Moreover, the Okada reference also fails to disclose or suggest the above-discussed

features of independent claim 18 which are lacking from Yokoyama. Therefore, because of the above-mentioned distinctions it is believed clear that claim 18 and claims 19-26 which depend therefrom would not have been obvious or result from any combination of Yokoyama and Okada.

Furthermore, there is no disclosure or suggestion in Yokoyama or Okada, or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Yokoyama and/or Okada to obtain the invention of independent claim 18. Accordingly, it is respectfully submitted that independent claim 18 and claims 19-26 which depend therefrom are clearly allowable over the prior art of record.

Independent claims 32 and 33 are directed to a method and program, respectively, which recite features that correspond to the above-mentioned distinguishing features of independent claim 18. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 32 and 33 are allowable over the prior art of record.

### III. Conclusion

In view of the above remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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